

**REMARKS**

Claims 1-4, 6-10, 12, 15-17, 24, 28, 32, 52, 53 and 56-59 are pending in the subject application.

**Double Patenting**

The Office Action rejects all pending claims under the judicially created doctrine of obviousness-type double patenting as being allegedly being unpatentable over claims 1-24 of U.S. Patent No. 6,498,142. In response and without conceding the correctness of this ground of rejections, applicants submit a suitable terminal disclaimer. Accordingly, applicant's request withdrawal of this ground of rejection.

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)**

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Since this Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance, applicants have authorized the \$180.00 fee set forth in 37 CFR 1.97(c)(2) to be paid.

A copy of each reference on the PTO/SB/08 is attached.

The references cited on the PTO/SB/08 form were cited by Examiner David Romeo in an Office Action mailed on July 12, 2004 in connection with prosecution of U.S. Patent Application No. 09/445328 entitled "THERAPIES FOR ACUTE RENAL FAILURE", and thus this supplemental IDS in being filed within a month of the mailing of said Office Action. A copy of the PTO-892 form is also enclosed.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

### **CONCLUSIONS**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response in addition to the \$110 fee for filing the terminal disclaimer and the \$180 fee filing of the IDS. However, if an additional fee is due, please charge our Deposit Account No. 18-1945, under Order No. JJJ-P01-515 from which the undersigned is authorized to draw.

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Respectfully submitted,

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